



Minnesota Department of **Human Services**

DATE: November 23, 2015

TO: **CHILD CARE CENTERS (DHS RULE 3)**

RE: License updates and renewal information for licenses effective January 1, 2016

A. NEW AND UPDATED INFORMATION

- 1. 2015 Legislation affecting child care centers.** The 2015 Minnesota Legislature passed amendments affecting Department of Human Services (DHS) license holders. The updated 2015 statutes are now available online through the [Office of the Revisor of Statutes](#) website. The [Minnesota Bookstore](#) also has the updated Child Care Center Laws & Rules book available to order. The book contains DHS Rule 3, Human Services Licensing (Minnesota Statutes, Chapter 245A), Human Services Background Studies (Minnesota Statutes, Chapter 245C), and the Reporting of Maltreatment of Minors Act.

We would like to highlight the following legislative amendments that affect child care centers:

- A. First Aid and Cardiopulmonary resuscitation (CPR) training.** These requirements were amended to clarify that there must be at least one staff person who has satisfactorily completed first aid and CPR training present during the hours of operation including on field trips and when transporting children in care, when all teachers and assistant teachers are in their first 90 days of work.

- **First aid training.** [Minnesota Statutes, section 245A.40, subdivision 3.](#)
 - (a) All teachers and assistant teachers in a child care center governed by Minnesota Rules, parts 9503.0005 to 9503.0170, and at least one staff person during field trips and when transporting children in care, must satisfactorily complete first aid training within 90 days of the start of work, unless the training has been completed within the previous three years.
 - (b) Notwithstanding paragraph (a), which allows 90 days to complete training, at least one staff person who has satisfactorily completed first aid training must be present at all times in the center, during field trips, and when transporting children in care.

(c) The first aid training must be repeated at least every three years, documented in the person's personnel record and indicated on the center's staffing chart, and provided by an individual approved as a first aid instructor. This training may be less than eight hours.

- **CPR training.** [Minnesota Statutes, section 245A.40, subdivision 4.](#)
 - (a) All teachers and assistant teachers in a child care center governed by Minnesota Rules, parts 9503.0005 to 9503.0170, and at least one staff person during field trips and when transporting children in care, must satisfactorily complete training in cardiopulmonary resuscitation (CPR) that includes CPR techniques for infants and children and in the treatment of obstructed airways. The CPR training must be completed within 90 days of the start of work, unless the training has been completed within the previous three years. The CPR training must have been provided by an individual approved to provide CPR instruction, must be repeated at least once every three years, and must be documented in the staff person's records.
 - (b) Notwithstanding paragraph (a), which allows 90 days to complete training, at least one staff person who has satisfactorily completed cardiopulmonary resuscitation training must be present at all times in the center, during field trips, and when transporting children in care.
 - (c) CPR training may be provided for less than four hours.
 - (d) Persons providing CPR training must use CPR training that has been developed:
 - (1) by the American Heart Association or the American Red Cross and incorporates psychomotor skills to support the instruction; or
 - (2) using nationally recognized, evidence-based guidelines for CPR and incorporates psychomotor skills to support the instruction.

- B. Video training on the dangers associated with shaking infants and young children.** This requirement was amended to make the separate video training requirement on the dangers associated with shaking infants and young children optional. Annual training for staff is still required on sudden unexpected infant death and abusive head trauma, as applicable.

Sudden unexpected infant death and abusive head trauma training. [Minnesota Statutes, section 245A.40, subdivision 5.](#)

(a) License holders must document that before staff persons and volunteers care for infants, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden unexpected infant death. In addition, license holders must document that before staff persons care for infants or children under school age, they receive training on the risk of abusive head trauma from shaking infants and young children. The training in this subdivision may be provided as orientation training under subdivision 1 and in-service training under subdivision 7.

(b) Sudden unexpected infant death reduction training required under this subdivision must be at least one-half hour in length and must be completed at least once every year. At a minimum, the training must address the risk factors related to sudden unexpected infant death, means of reducing the risk of sudden unexpected infant death in child care, and license holder communication with parents regarding reducing the risk of sudden unexpected infant death.

(c) Abusive head trauma training under this subdivision must be at least one-half hour in length and must be completed at least once every year. At a minimum, the training must address the risk factors related to shaking infants and young children, means to reduce the risk of abusive head trauma in child care, and license holder communication with parents regarding reducing the risk of abusive head trauma.

(d) The commissioner shall make available for viewing a video presentation on the dangers associated with shaking infants and young children, which may be used in conjunction with the annual training required under paragraph (c).

- C. License exclusion for certain nonprofit organizations that serve youth in kindergarten through grade 12.** This amendment excludes certain school-age programs who serve youth in kindergarten through grade 12 from DHS licensure. These programs are not eligible for Child Care Assistance Program (CCAP) funds.

Exclusion from licensure. [Minnesota Statutes, section 245A.03, subdivision 2, paragraph \(a\), \(27\).](#) Licensure does not apply to:

(27) a program operated by a nonprofit organization incorporated in Minnesota or another state that serves youth in kindergarten through grade 12; provides structured, supervised youth development activities; and has learning opportunities take place before or after school, on weekends, or during the summer or other seasonal breaks in the school calendar. A program exempt under this clause is not eligible for child care assistance under chapter 119B. A program exempt under this clause must:

(i) have a director or supervisor on site who is responsible for overseeing written policies relating to the management and control of the daily activities of the program, ensuring the health and safety of program participants, and supervising staff and volunteers;

(ii) have obtained written consent from a parent or legal guardian for each youth participating in activities at the site; and

(iii) have provided written notice to a parent or legal guardian for each youth at the site that the program is not licensed or supervised by the state of Minnesota and is not eligible to receive child care assistance payments.

D. Human Services Background Studies. The definition of “access to persons served by a program” was amended so that a background study disqualification restricts the disqualified person’s access to persons receiving services, access to the persons’ personal property, as well as access to the persons’ personal, financial, or health information.

Access to persons served by a program. [Minnesota Statutes, section 245C.02, subdivision 2.](#) "Access to persons served by a program" means physical access to persons receiving services, access to the persons' personal property, or access to the persons' personal, financial, or health information, without continuous, direct supervision, as defined in subdivision 8.

2. Child Care and Development Block Grant. Reauthorization of the Child Care and Development Block Grant (CCDBG) was signed into law by President Obama on November 19, 2014. The changes to federal law serve to improve health and safety of child care, improve the quality of child care, facilitate access to child care, and promote stable child care arrangements.

Minnesota already has a number of the new federal requirements in place, but there are several that are new for Minnesota. DHS is in the planning stages for the changes. Stakeholder input will be an important part of planning for the changes.

How will the CCDBG reauthorization affect your child care center? Some of the highlights of the new requirements include:

- Annual unannounced licensing inspections
- Annual inspection requirement for legally exempt child care centers who are registered for reimbursement through the Child Care Assistance Program (CCAP)

- Expanded background study requirements, to include fingerprint based background studies. The current DHS background study changes underway will cover a significant portion of the federal changes.
- Enhanced health and safety requirements, including prevention of infectious diseases; prevention of sudden unexpected infant death; medication administration; prevention and response to allergic reactions; building and physical premise safety; prevention of abusive head trauma; emergency preparedness and response planning; handling of hazardous materials and bio-contaminants; precautions in transporting children; first aid and CPR. Many of these are already addressed in current Minnesota licensing requirements. Those that are not will need to be added.
- Staff orientation and annual training on the above health and safety requirements. Many of the training topics are already required under current Minnesota licensing requirements. Those that are not will need to be added.
- Licensing monitoring and inspection reports, as well as the number of deaths, serious injuries, and instances of substantiated maltreatment, must be made available by electronic means, in a consumer-friendly and easily accessible format. Most of this information is already available on DHS Licensing Information Lookup website. Those that are not will need to be added.
- Requirement for a statewide child care disaster plan for coordination of activities and collaboration among state agencies and others to plan for an emergency or disaster. Licensed child care programs will be required to add a man-caused event (such as violence at a child care facility) as part of their emergency preparedness and response planning.

The [Federal Office of Child Care website](#) has detailed information and resources, including an [overview of the law](#), [statutory language](#), and [frequently asked questions](#). More information will be made available at the state level as the planning process continues and throughout the 2016 Minnesota Legislative session.

- 3. Positive Supports Rule.** The Positive Supports Rule (PSR) is a new Minnesota rule that requires DHS license holders to use person-centered principles and positive support strategies for persons with developmental disabilities or related conditions. The rule applies to all DHS licensed programs who serve a person with a developmental disability or related condition. Information about the positive supports rule is currently available on the [DHS website](#).

The Department is working to develop a frequently asked question (FAQ) document to provide more direction and address specific questions submitted by license holders. This information will be posted to the DHS website and emailed to your designated Authorized Agent. In addition, questions about the Positive Supports Rule can be emailed to the DHS-Disability Services Division at positivesupports@state.mn.us.

4. **NETStudy 2.0, the new background study system.** The Background Study Division continues to move forward with development and implementation of NETStudy 2.0. This is the new portal to submit background study requests to DHS that includes use of the background study subject's fingerprints for the criminal record search and use a photograph for identity verification. Currently, there are over [50 DHS authorized fingerprint and photo service locations](#) operating across the state. After the background study subject is fingerprinted and photographed, background study determinations in NETStudy 2.0 are expected to be completed within a few hours for over 90% of requests, some determinations will be provided within an hour or two. When the law requires additional information or review, the background study may take more time. In these cases, the program is informed of the subject's background study status and whether the person must be supervised. In the new system, providers receive status updates and background study determinations electronically eliminating the need to maintain paper files for licensing reviews.

DHS began pilot testing NETStudy 2.0 in June of 2014 and a small group of providers, representing multiple license types, have fully transitioned to the new system. The Background Study Division is continuing to work on additional system functionality and will extend pilot testing with counties and other providers over the coming months. Implementation to larger groups of providers will be based on the completion of system refinements and the results of testing. In all cases, entities will be contacted at least four weeks in advance of being transitioned to the new system. During this time, provider user accounts will be established through "on boarding" and training will be available. More information is available on the [Background Study web page](#) under the [NETStudy 2.0 / Background Study Changes](#) feature. [FAQs](#) are also posted as is a link to [subscribe to an email list](#) for updates about NETStudy 2.0.

5. **DEVELOP: Minnesota's Quality Improvement and Registry Tool.** Your work is important and your life is busy, so Develop aims to be a one-stop-shop for all your early learning & school-age care needs. With a single login, you will be connected to the Minnesota Center for Professional Development, Parent Aware, and more. Just as you grow and improve every day, Develop is also continuously growing and

improving. Below are some of the features you can access at www.developtoolmn.org:

Professional Development

- Search for training opportunities in your area.
- Register and pay for Eager To Learn training online.
- Track and verify your employment, education and training history.
- Track your completion of licensing training requirements and your staff qualification level.
- Earn a Career Lattice Step.

Quality Improvement

- Manage your staff's professional development.
- Track program achievements such as accreditation and Parent Aware Star Ratings.
- Apply for Parent Aware using convenient online forms.
- Submit documentation of your program's quality.

B. RENEWING YOUR LICENSE FOR 2016

- 1. License fee payment for your 2016 license.** All license holders must pay for their 2016 license online. Your Authorized Agent will receive an email with instructions and a direct link to pay for your 2016 license fee(s). License fee payments must be made within 30 days from receipt of the email to allow enough time for your 2016 license(s) to be issued by January 1, 2016.
- 2. Failure to pay 2016 license fee.** Your current license expires December 31, 2015. If you fail to pay the 2016 license fee, you will need to apply for a new license. You cannot operate under an expired license while your new application is being processed. In addition, you will lose access to NETStudy to submit online background study requests.
- 3. Unpaid fines.** If you have an outstanding debt related to a fine or settlement agreement for which payment is delinquent, your 2016 license cannot be issued until payment is received.

4. **Programs closing on or before December 31, 2015.** If you plan on closing your program on or before December 31, 2015, please notify your licensor immediately so we can cancel the bill for your 2016 license.
5. **Your onsite licensing review.** The annual renewal of your license is separate from the onsite licensing review conducted by your DHS licensor. You will receive notice from your licensor about the license review prior to your next scheduled review.
6. **Change of license information.** If you wish to change any information on your license, please contact your licensor immediately so those changes can be approved before we issue your 2016 license. If you hold multiple licenses and want the change to apply to each license you must complete a separate Change of License Information form for each license. If you have not identified an Authorized Agent or your Authorized Agent information is not current, it will delay the email to your Authorized Agent and the renewal of your 2016 license.
7. **Questions regarding the license renewal process.** If you have any questions regarding the license renewal process, please contact the DHS licensor assigned to your program, or call the main Licensing Division phone number at 651-431-6500 and ask to speak to the adult day center licensor on call.

C. RESOURCES

1. **Online information.** Information is available online at the [DHS Licensing website](#) and is your primary source of information on licensing standards and requirements. As a child care center license holder, it is your responsibility to frequently check for updates, changes, and additions to this information.
2. **Child care center licensing laws and rules.** Child care center licensing laws and rules are available to you as follows:
 - a) Online through the Minnesota Office of the Revisor of Statutes.
 - [Minnesota Rules, parts 9503.0005 to 9503.0170](#) – DHS Rule 3
 - [Minnesota Statutes, Chapter 245A](#) – Human Services Licensing
 - [Minnesota Statutes, Chapter 245C](#) – Human Services Background Studies
 - [Minnesota Statutes, Chapter 626.556](#) – Reporting of Maltreatment of Minors Act

b) The Minnesota Bookstore publishes a Child Care Center Laws & Rules book that contains DHS Rule 3, the Human Services Licensing Act, the Human Services Background Study Act, and the Reporting of Maltreatment of Minors Act. The book is now available to order, updated with the 2015 legislative amendments. Go to the [Minnesota Bookstore website](#) to order the revised book.

- 3. Child care center licensing forms.** The DHS Licensing web site contains a list of [child care center licensing forms](#). The date immediately following each form title in the list reflects the date the form was last updated or revised.
- 4. DHS Licensing Look Up.** Public searches for DHS licensed programs can be done using the DHS [Licensing Look Up](#) online search tool.

Since July 1, 2010, the Division of Licensing has posted licensing actions and decisions issued to DHS licensed programs online through Licensing Look Up. The licensing actions and decisions that are available include:

- correction orders;
- orders for conditional license;
- sanctions which include fines, suspensions, and revocations;
- commissioner's response to license holders' requests for reconsideration of correction orders and orders of conditional licenses;
- commissioner's final orders resulting from contested case hearings; and
- settlement agreements.

Documents are posted in accordance with the requirements of the [Minnesota Government Data Practices Act, Minnesota Statutes, section 13.46](#).

New licensing documents are posted daily on DHS Licensing Information Lookup. You can [sign up to receive daily emails](#) with links to newly published documents.

- 5. Child Care Immunization Report.** In the fall of 2016, the Minnesota Department of Health (MDH) will be posting child care immunization rate data on the MDH website. The data will be from the Child Care Immunization Reports you submit to MDH this year. Similar school immunization data for kindergarten and seventh grade is already available on the MDH School Immunization Data Web page: www.health.state.mn.us/divs/idepc/immunize/stats/school/index.html. People who may view this information include parents, health care providers, child care center staff, and community leaders.

MDH would like to remind you that the Child Care Immunization Report for 2015 is due to MDH **December 1, 2015**. These reports are required by Minnesota's School

and Child Care Immunization Law. The report form was mailed to you in September. If you have already submitted your report to MDH, thank you. If not, there are three options available on the MDH child care provider web page:

(www.health.state.mn.us/divs/idepc/immunize/childcare/index.html) under "Reporting."

1. Print the 11x17 form, complete it, and mail it to MDH.
2. Download the Excel version, complete it, and email it to MDH at childcare@health.state.mn.us.
3. Use the Minnesota Immunization Information Connection (MIIC). MIIC staff will work with you to produce the child care report electronically (meaning the paper report form is not needed). Contact MIIC at health.miichelp@state.mn.us.

If you have questions, please call MDH at 651-201-5503 or email MDH at childcare@health.state.mn.us. Thank you for your efforts to help assure that young children are protected from vaccine-preventable diseases.

- 6. State Child Care Health Consultant.** The Minnesota Department of Health (MDH) has a State Child Care Health Consultant who can serve as a resource to promote the health, safety and learning of children in early childhood settings by:

- providing current information and resources on national health and safety standards for early childhood settings, and;
- providing a network of support among individual child care health consultants across the state.

Your health consultant might be interested in learning more about child care health consultation in Minnesota, receiving a monthly newsletter featuring health and safety updates or participating in a quarterly phone call with other child care health consultants. For more information, contact Diane Etling, MS, PHN, LSN, APRN, CPNP, Child Care Health Consultant, Minnesota Department of Health, at diane.etling@state.mn.us.

- 7. Outdoor weather.** Under [Minnesota Rules, part 9503.0045, subpart 1, item I](#), child care centers are required to provide daily indoor and outdoor activities for children in care. Medical and early childhood professionals, as well as many others, widely agree on the importance of outdoor playtime for children. It is essential for healthy development and provides children with opportunities for self-directed physical activity that promotes health and reduces obesity.

Extreme Minnesota weather conditions can present challenges for child care providers as they plan for outdoor play time. Every year we hear about tragic situations in which children are seriously injured or die as a result of exposure to extreme heat and cold.

As winter approaches, we encourage you to educate staff on the dangers of exposing children to these extreme temperatures. Outdoor play information and weather charts are available from various sources. One useful resource is the [Child Care Weather Watch](#), a guide distributed by the Iowa Department of Public Health, to assist child care providers in understanding weather conditions when planning outdoor activities for children.

- 8. Postsecondary education transcripts.** Under [Minnesota Rules, part 9503.0120](#), child care center license holders are required to maintain documentation in personnel records indicating how each staff person meets the requirements of the staff person's job position and the education and experience requirements specified in parts 9503.0031 to 9503.0034. Education is defined under [part 9503.0030, subpart 1, item B](#); experience is defined under [Minnesota Statutes, section 245A.02, subdivision 6b](#).

It is your responsibility to verify that the educational transcripts for staff working in the following positions are postsecondary credit:

- Director [[part 9503.0031](#)]
- Teacher [[part 9503.0032](#)]
- Assistant Teacher [[part 9503.0033](#)]

Other tips to help you maintain compliance with staff qualification requirements:

- Transcripts issued in CEUs or other non-postsecondary credit cannot be counted toward qualification. CEUs and other non-postsecondary training may be used for in-service training only.
- Transcripts need to identify the name of the school so it can easily be verified as an accredited postsecondary institution.
- Transcripts need to identify the first and last name of the individual. If there is only a student identification number on the transcript, also maintain a copy of the individual's student identification card in the file.

Online learning. More and more educational programs are offering education through online learning. It is advisable to research any online learning program

before enrolling to ensure that the coursework is granted in postsecondary credit. Transcripts issued in CEUs or other non-postsecondary credit cannot be counted toward qualification requirements. To help you evaluate an online education program, visit the [Minnesota Office of Higher Education website](#).

9. Contacting the Department of Human Services, Office of Inspector General. Please use these telephone numbers:

a) Licensing Division.

- General number - (651) 431-6500
- Main Fax – (651) 431-7673
- Maltreatment Intake – (651) 431-6600
- Maltreatment Fax – (651) 431-7601

b) Background Studies Division. The Background Studies area is a separate division in the Office of the Inspector General. The phone number for the Background Studies Division Call Center is (651) 431-6620.

c) Financial Fraud and Abuse Investigation Division. The Office of Inspector General, in collaboration with other agencies, works to prevent public assistance fraud. If you have heard about or seen instances of potential fraud waste or abuse in DHS-licensed programs, we want to know. You can report fraud by phone at 651-431-3968 (twin cities metro) or 800-627-9977 (toll-free), or by using the [Minnesota Fraud Hotline Form](#).

D. MALTREATMENT INFORMATION

1. Maltreatment information. General information on [maltreatment investigations](#) and [sample maltreatment reporting policies and procedures](#) are available online from the DHS Licensing web site.

2. Online mandated reporter training. DHS Licensing offers a [Maltreatment of Minors Mandated Reporting course online](#). The Maltreatment of Minors Mandated Reporting course is designed to introduce mandated reporters to:

- The Reporting of Maltreatment of Minors Act
- An overview of the Minnesota Child Protection System
- Definition of maltreatment
- Who are the mandated reporters

Remember that you must train mandated reporters under your control on your maltreatment reporting policies and procedures, even if they complete this online course.

3. **Child care center alert information.** [Alert](#) information is available from our investigations unit highlighting areas where injuries and harm to children could be prevented when precautions are taken.

E. **SELLING YOUR CHILD CARE CENTER**

If you plan to sell your child care center, please note that **your license is not transferable** (see [Minnesota Statutes, section 245A.04, subdivision 7, paragraph \(c\)](#)). The buyer of your center must submit a license application, complete the application process, and receive a license before s/he can begin operating the child care center. The application process takes several months to complete. Please plan accordingly.